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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Terry Lee Garrison,

No. CV-24-01407-PHX-SMM (MTM)

10 Plaintiff,

**ORDER**

11 v.

12 NaphCare Incorporated,

13 Defendant.

14  
15 This matter was assigned to Magistrate Judge Michael T. Morrissey. On May 5,  
16 2025, the Magistrate Judge filed a Report and Recommendation with this Court.<sup>1</sup> (Doc.  
17 59). The Magistrate Judge recommends that Plaintiff's Motion for Leave to Amend (Doc.  
18 21) be granted. Further, the Magistrate Judge recommends that Count IV of the Complaint,  
19 and Defendants Braithwaite, Racowsky, Humphries, and Forehand be dismissed.

20 <sup>1</sup> This case is assigned to a Magistrate Judge. However, not all parties have consented  
21 to the jurisdiction of the Magistrate Judge. Thus, the matter is before this Court pursuant  
to General Order 21-25, which states in relevant part:

22 When a United States Magistrate Judge to whom a civil action has been  
23 assigned pursuant to Local Rule 3.7(a)(1) considers dismissal to be  
24 appropriate but lacks the jurisdiction to do so under 28 U.S.C. § 636(c)(1)  
due to incomplete status of election by the parties to consent or not consent  
to the full authority of the Magistrate Judge,

25 **IT IS ORDERED** that the Magistrate Judge will prepare a Report and  
26 Recommendation for the Chief United States District Judge or designee.

27 **IT IS FURTHER ORDERED** designating the following District Court  
28 Judges to review and, if deemed suitable, to sign the order of dismissal on  
my behalf:

Phoenix/Prescott: Senior United States District Judge Stephen M. McNamee

1       **I. STANDARD OF REVIEW**

2       The Court “may accept, reject, or modify, in whole or in part, the findings or  
3 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1)(C); see Baxter v.  
4 Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991). Parties have fourteen days from the service  
5 of a copy of the Magistrate’s recommendation within which to file specific written  
6 objections to the Court. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Failure to object to a  
7 Magistrate Judge’s recommendation relieves the Court of conducting *de novo* review of  
8 the Magistrate Judge’s factual findings and waives all objections to those findings on  
9 appeal. See Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998). A failure to object to a  
10 Magistrate Judge’s conclusion “is a factor to be weighed in considering the propriety of  
11 finding waiver of an issue on appeal.” Id.

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1           **II. DISCUSSION**

2           Having reviewed the Report and Recommendation of the Magistrate Judge, and no  
3 Objections having been made by any party thereto, the Court hereby incorporates and  
4 adopts the Magistrate Judge's Report and Recommendation.

5           **III. CONCLUSION**

6           Accordingly,

7           **IT IS ORDERED** granting Plaintiff's Motion for Leave to Amend. (Doc. 21).

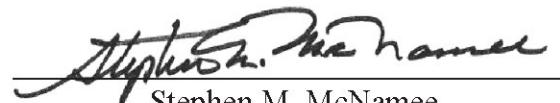
8           **IT IS FURTHER ORDERED** directing the Clerk of Court to file the lodged  
9 proposed Amended Complaint at Doc. 22.

10           **IT IS FURTHER ORDERED** dismissing Count IV of the Amended Complaint.

11           **IT IS FURTHER ORDERED** dismissing Defendants Michael Braithwaite,  
12 Bellene Racowsky, Humphries, and Forehand from the entirety of the action.

13           **IT IS FURTHER ORDERED** directing the Clerk of the Court to send service  
14 packets to Plaintiff for Defendants Grace Adams, Siji Thomas, Rodney Stewart.

15           Dated this 23rd day of July, 2025.

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18           Stephen M. McNamee  
19           Senior United States District Judge